

**BEFORE THE  
PHYSICIAN ASSISTANT COMMITTEE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Application of:**

**EMMANUEL SAWAYA**

**Applicant.**

**Case No: 1E-2008-194104**

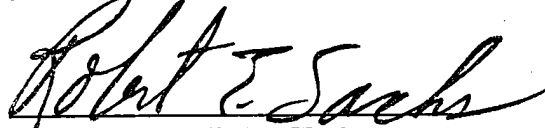
**DECISION AND ORDER**

The attached Stipulation for a Probationary License is hereby accepted and adopted as the Decision and Order by the Physician Assistant Committee of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 3, 2008 and the license will only be issued and probation to commence upon completion of any remaining requirements for licensure.

**ORDERED** October 3, 2008

**PHYSICIAN ASSISTANT COMMITTEE**



**Robert Sachs, P.A., Chairperson**

BEFORE THE  
PHYSICIAN ASSISTANT COMMITTEE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

RECEIVED  
PHYSICIAN ASSISTANT

SEP 15 2008

COMMITTEE  
LICENSING

In the Matter of the Application of:	)	Case No: 1E-2008-194104
	)	
Emmanuel Sawaya	)	STIPULATION FOR A
	)	PROBATIONARY LICENSE
For a Physician Assistant	)	
License	)	
_____	)	

Emmanuel Sawaya, applicant for a physician assistant license (hereafter applicant or respondent), and Elberta Portman, Executive Officer, Physician Assistant Committee, hereby stipulate as follows:

- 1) This applicant is a 2007 graduate of the Western University of Health Sciences Physician Assistant Program. He is not licensed to practice as a physician assistant in any state.
- 2) On 10 September 2007, the applicant submitted an application for physician assistant licensure to the Physician Assistant Committee. Question 19a on the application asked: *"Have you ever been convicted or pled nolo contendere to any violation (including misdemeanor or felony) of any local, state, or federal law in any state, territory, country, or U.S. federal jurisdiction?"* The applicant checked the box marked "yes" next to Question 19a, and signed his application on 4 September 2007, attesting that he had read the complete application and declared that all of the information contained in his application was true and correct.
- 3) The applicant was convicted in 2006 of violation of California Vehicle Code section 23152(b) – DUI Alcohol/0.08 percent.
- 4) Section 480(a) of the Business and Professions Code states that a board may deny a license on the grounds that the applicant has one of the following: (1) Been convicted of a crime...; (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or (3) Done any act which if done by a licensee of the business or profession in question would be grounds for suspension or revocation of license

The above findings support a conclusion that grounds for denial exist pursuant to Sections 480(a)(1) and (3).

5) Under Section 3519.5 of the Business and Professions Code, the Physician Assistant Committee has the discretionary authority to issue a probationary license on terms and conditions. This Stipulation reflects the staff's recommendation to the Committee itself.

6) Section 3527(a) of the Business and Professions Code states that the committee may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the Committee or the Board.

7) The applicant acknowledges he has a right to request a Statement of Issues and hearing upon denial of licensure for cause. Applicant waives his right to a hearing and judicial review in favor of this Stipulation for a Probationary License.

8) This Stipulation shall be subject to approval by the Committee. Respondent understands and agrees that the staff of the Physician Assistant Committee may communicate directly with the Committee regarding this Stipulation without notice to or participation by respondent or counsel. By signing the Stipulation, respondent understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Committee considers and acts upon it. If the Committee fails to adopt this Stipulation as its Decision and Order, the Probationary License shall be of no force or effect (except for this paragraph) and shall be inadmissible in any legal action between the parties. Further, the Committee shall not be disqualified from further action by having considered this matter.

The staff and applicant agree that a probationary license be issued as follows:

#### ORDER

IT IS ORDERED THAT Emmanuel Sawaya, applicant, be issued a physician assistant license on a probationary basis, subject to the following terms and conditions:

1) Applicant is placed on three years probation. Probation shall begin on the date applicant is issued a probationary license.

2) DRUGS – ABSTAIN FROM USE/EXEMPTION FOR PERSONAL USE.

Respondent shall abstain completely from the personal use of possession of controlled substances as defined in the California Uniform Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription.

3) ALCOHOL – ABSTAIN FROM USE. Respondent shall abstain completely from the use of alcohol containing products and beverages.

4) BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing upon the request of the Physician Assistant Committee or its designee. The cost of biological fluid testing shall be borne by respondent.

5) NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN. Respondent shall notify his current and any subsequent employer and supervising physician(s) of his discipline and provide each a copy of the Stipulation, Decision, and Order to each such employer and supervising physician(s) during his period of probation, at onset of that employment. Respondent shall ensure that each employer informs the Physician Assistant Committee, or its agent, in writing within thirty (30) days, verifying that the employer and supervising physician(s) has been informed of this Stipulation and Order.

6) MONITORING/SUPERVISION. Within 30 days of the effective date of this decision, respondent shall submit to the Committee or its designee for its prior approval a plan of practice in which respondent's practice shall be monitored by a supervising physician responsible for patients treated by the physician assistant.

If the supervising physician/monitor resigns or is no longer available, respondent shall, within 15 days, move to have a new supervising physician/monitor appointed, through nomination by respondent and approval by the Committee.

Respondent shall not practice as a physician assistant until supervising physician is approved by the Committee.

7) OBEY ALL LAWS. Respondent shall obey all federal, state, and local laws, including all rules governing the practice of medicine as a physician assistant in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

8) QUARTERLY REPORTS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Committee or its designee, stating whether there has been compliance with all the conditions of probation.

9) PROBATION SURVEILLANCE PROGRAM COMPLIANCE. Respondent shall comply with the Committee's probation surveillance program. Respondent shall, at all times, keep the Committee informed of his addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Committee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Title 16 California Code of Regulations 1399.523.

Respondent shall, at all times, maintain a current and renewed physician assistant license.

Respondent shall also immediately inform the Committee, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

10) INTERVIEW WITH MEDICAL CONSULTANT. Respondent shall appear in person for interviews with the Committee's medical or expert physician assistant consultant upon request at various intervals and with reasonable notice.

11) FAILURE TO PRACTICE MEDICINE – CALIFORNIA RESIDENT. In the event respondent resides in the State of California, respondent shall notify the Committee, or its designee in writing within thirty calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in Section 2052 of the Business and Professions Code.

All time spent in an intensive training program which has been approved by the Committee shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Committee-ordered suspension or in compliance with any other condition of probation shall not be considered a period of non-practice.

Respondent's license shall be automatically canceled if respondent resides in California and for a total of two years, fails to engage in California in any of the activities described in Business and Professions Code Section 2052.

12) TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE. In the event the applicant should leave the State of California to reside or to practice, applicant shall notify the Committee or its designee in writing thirty calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding thirty calendar days in which applicant is not engaging in any activities defined in Section 2052 of the Business and Professions Code. All time spent in an intensive training program outside the State of California which has been approved by the Committee or its designee shall be considered as time spent in the practice of medicine within the State. A Committee-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve applicant of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws and Probation Unit Compliance. Applicant's license shall be automatically canceled if applicant's periods of temporary or permanent residence outside California totals two years. However, applicant's license shall not be canceled as long as applicant is residing and practicing medicine in another state of the United States and is on active probation with the physician assistant licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

13) INITIAL PROBATION INTERVIEW. Respondent shall appear in person for an initial interview with a designee of the PAC within 90 days of the final decision. Respondent shall subject himself to an initial interview at a time and place determined by the Committee or its designee.

14) UNANNOUNCED CLINICAL SITE VISIT. At least once per calendar year or more frequently as determined by the Committee or its designee unannounced clinical site visits shall be made by the Committee or its designee to ensure that respondent is complying with all terms and conditions of probation.

15) COMPLETION OF PROBATION. Upon successful completion of probation as determined by the Committee's executive officer, respondent's license will be fully restored.

16) VIOLATION OF PROBATION. If respondent violates probation in any respect, the Committee after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Committee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

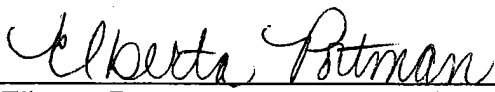
17) VOLUNTARY LICENSE SURRENDER. Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his license to the Committee. The Committee reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation

18) PROBATION MONITORING COSTS. Respondent shall pay the costs associated with monitoring each and every year of probation, as designated by the Committee, which may be adjusted on an annual basis. Such costs shall be payable to the Physician Assistant Committee and delivered to the Committee or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

If adopted by the Committee as noted in paragraph 8, applicant agrees to comply with the terms and conditions of the above Order.

  
Emmanuel Sawaya, Applicant

9/09/08  
Date

  
Elberta Portman, Executive Officer  
Physician Assistant Committee

9-16-08  
Date